

House Study Bill 1 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON RAECKER)

A BILL FOR

1 An Act relating to public funding and regulatory matters and
2 making, reducing, and transferring appropriations and
3 revising fund amounts and including effective, retroactive,
4 and other applicability date provisions, and making
5 penalties applicable.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

DIVISION I
TAX RELIEF FUND

Section 1. Section 8.55, subsection 2, Code 2011, is amended to read as follows:

2. a. The maximum balance of the fund is the amount equal to two and one-half percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be transferred to the ~~general~~ tax relief fund.

b. Notwithstanding paragraph "a", any moneys in excess of the maximum balance in the economic emergency fund after the distribution of the surplus in the general fund of the state at the conclusion of each fiscal year shall not be transferred to the ~~general~~ tax relief fund ~~of the state~~ but shall be transferred to the senior living trust fund. The total amount appropriated, reverted, or transferred, in the aggregate, under this paragraph, section 8.57, subsection 2, and any other law providing for an appropriation or reversion or transfer of an appropriation to the credit of the senior living trust fund, for all fiscal years beginning on or after July 1, 2004, shall not exceed the amount specified in section 8.57, subsection 2, paragraph "c".

Sec. 2. NEW SECTION. 8.57E Tax relief fund.

1. The tax relief fund is created. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. The moneys credited to the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section.

2. Moneys in the tax relief fund shall only be used as pursuant to appropriations made by the general assembly to reduce taxes.

3. a. Moneys in the fund may be used for cash flow purposes

1 during a fiscal year provided that any moneys so allocated are
2 returned to the fund by the end of that fiscal year.

3 **b.** Except as provided in section 8.58, the tax relief fund
4 shall be considered a special account for the purposes of
5 section 8.53 in determining the cash position of the general
6 fund of the state for the payment of state obligations.

7 4. Notwithstanding section 12C.7, subsection 2, interest
8 or earnings on moneys deposited in the tax relief fund shall
9 be credited to the fund.

10 Sec. 3. Section 8.58, Code 2011, is amended to read as
11 follows:

12 **8.58 Exemption from automatic application.**

13 1. To the extent that moneys appropriated under section
14 8.57 do not result in moneys being credited to the general
15 fund under section 8.55, subsection 2, moneys appropriated
16 under section 8.57 and moneys contained in the cash reserve
17 fund, rebuild Iowa infrastructure fund, environment first
18 fund, ~~and Iowa economic emergency fund,~~ and tax relief fund
19 shall not be considered in the application of any formula,
20 index, or other statutory triggering mechanism which would
21 affect appropriations, payments, or taxation rates, contrary
22 provisions of the Code notwithstanding.

23 2. To the extent that moneys appropriated under section
24 8.57 do not result in moneys being credited to the general fund
25 under section 8.55, subsection 2, moneys appropriated under
26 section 8.57 and moneys contained in the cash reserve fund,
27 rebuild Iowa infrastructure fund, environment first fund, ~~and~~
28 Iowa economic emergency fund, and tax relief fund shall not be
29 considered by an arbitrator or in negotiations under chapter
30 20.

31 Sec. 4. TAX RELIEF FUND — LEGISLATIVE INTENT. It is the
32 intent of the general assembly to enact appropriations from the
33 tax relief fund created by this division of this Act pursuant
34 to tax relief legislation which shall be proposed by the
35 standing committees on ways and means of the senate and house

1 of representatives.

2 Sec. 5. EFFECTIVE DATE AND APPLICABILITY.

3 1. This division of this Act, being deemed of immediate
4 importance, takes effect upon enactment.

5 2. The amendment in this division to section 8.55, providing
6 for transfer of moneys from the Iowa economic emergency fund
7 to the tax relief fund instead of the general fund of the state
8 applies to transfers made from the Iowa economic emergency
9 fund on or after the effective date of this division and shall
10 be incorporated in the state general expenditure limitation
11 calculated for the fiscal year beginning July 1, 2011.

12 DIVISION II

13 UNIFORM PROVISIONS

14 Sec. 6. GROUP HEALTH INSURANCE PREMIUM COSTS FOR STATE
15 EMPLOYEES.

16 1. The state's executive and judicial branch authorities
17 responsible for negotiating the collective bargaining
18 agreements entered into under chapter 20 shall engage in
19 discussions with the applicable state employee organizations
20 to renegotiate provisions involving health insurance coverage
21 of state employees and their families in order to achieve cost
22 savings for the state. The discussions shall include but
23 are not limited to a requirement for a state employee who is
24 covered by a collective bargaining agreement and is a member of
25 state group health insurance plan for employees of the state
26 established under chapter 509A to pay at least fifty dollars
27 per month of the total premium for such health plan coverage
28 for single persons or increase the amount paid per month for
29 family coverage by the same amount that would be paid for the
30 single persons coverage.

31 2. If collective bargaining agreements are renegotiated
32 to achieve cost savings pursuant to subsection 1, the cost
33 savings provisions shall also apply to state employees who are
34 not covered by collective bargaining as provided in chapter
35 20 and are members of a state group health insurance plan for

1 employees of the state established under chapter 509A.

2 3. Beginning on the effective date of this section or
3 March 1, 2011, whichever is earlier, a state legislator or
4 legislative staff member who is a member of a state group
5 health insurance plan for employees of the state established
6 under chapter 509A shall pay at least fifty dollars per month
7 of the total premium for such health care coverage for single
8 persons or increase the amount paid per month for family
9 coverage by the same amount that would be paid for the single
10 persons coverage. The payment amount shall be determined
11 by the legislative council, subject to the minimum amount
12 specified in this subsection.

13 Sec. 7. STATE AGENCY OFFICE SUPPLIES, OUTSIDE SERVICES
14 PURCHASE, EQUIPMENT PURCHASES, PRINTING AND BINDING,
15 INFORMATION TECHNOLOGY, AND MARKETING.

16 1. For the purposes of this section, "department" means the
17 same as defined in section 8.2.

18 2. a. For the period beginning on the effective date of
19 this section through the close of the fiscal year ending on
20 June 30, 2011, each state department shall be subject to a
21 limitation on expenditures made on or after the effective date
22 of this section for office supplies, outside services purchase,
23 purchases of equipment, office equipment, and equipment
24 noninventory, printing and binding, information technology, and
25 marketing in accordance with this section.

26 b. The limitation shall be equal to 50 percent of the
27 unexpended or unencumbered amount that a department has
28 budgeted or otherwise designated for purposes of office
29 supplies, outside services purchase, purchases of equipment,
30 office equipment, and equipment noninventory, printing and
31 binding, information technology, and marketing from the
32 appropriations made from all sources for the fiscal year
33 beginning July 1, 2010, and ending June 30, 2011, to the
34 department from all sources, as of the effective date of this
35 section.

1 c. If another provision of this Act directs a department
2 to apply a limitation on expenditures made for information
3 technology or reduces the information technology portion of
4 an appropriation made to the department, such limitation or
5 reduction shall be in lieu of the limitation on expenditures
6 for information technology otherwise applicable under this
7 subsection.

8 3. For the period beginning on the effective date of this
9 section through the close of the fiscal year ending on June 30,
10 2011, out-of-state travel by an employee of a department, which
11 travel is funded in whole or in part by an appropriation from
12 the general fund of the state, shall not be authorized unless
13 a waiver for the travel is approved by the executive council.
14 The executive council shall adopt waiver criteria based on the
15 relative importance of the travel to fulfilling statutorily
16 required duties, the potential for the travel to bring cost
17 savings or enhanced revenues for the state, and other means
18 to determine whether the benefit or potential benefit of the
19 travel significantly outweighs the potential cost.

20 4. The committees on appropriations of the senate and
21 house of representatives shall recommend legislation applying
22 a directive for the executive branch to implement a master
23 marketing contract for state agencies that commences on or
24 before July 1, 2011.

25 Sec. 8. REVENUE ESTIMATING CONFERENCE MEETING. Upon the
26 request of the speaker of the house of representatives or
27 the majority leader of the senate, the revenue estimating
28 conference shall meet on a date in February or March 2011, as
29 specified in the request. At this meeting, in addition to the
30 estimates normally agreed to at the meetings of the conference,
31 the conference shall also agree on estimates for fiscal year
32 2012-2013.

33 Sec. 9. Section 7E.3, Code 2011, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 5. *Adult unauthorized aliens.* Unless

1 expressly authorized by federal or state law, ensure that the
2 public benefits administered by the department or independent
3 agency are not provided to adults who are unauthorized aliens
4 not lawfully present in the United States.

5 Sec. 10. NEW SECTION. **8A.440 Group health insurance premium**
6 **costs.**

7 1. Collective bargaining agreements entered into pursuant
8 to chapter 20 for state employees shall provide that a state
9 employee covered by that agreement who is a member of a
10 state group health insurance plan for employees of the state
11 established under chapter 509A shall pay at least fifty dollars
12 per month of the total premium for such insurance for single
13 persons or increase the amount paid per month for family
14 coverage by the same amount that would be paid for the single
15 persons coverage.

16 2. A state employee not covered by a collective bargaining
17 agreement as provided in chapter 20 who is a member of a
18 state group health insurance plan for employees of the state
19 established under chapter 509A shall pay the same amount per
20 month of the total premium for such insurance as is paid under
21 the collective bargaining agreement that covers the greatest
22 number of state employees in the state government entity
23 employing the state employee.

24 Sec. 11. Section 68B.8, Code 2011, is amended by adding the
25 following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. A state agency of the executive
27 branch of state government shall not employ a person through
28 the use of its public funds whose position with the agency is
29 primarily representing the agency relative to the passage,
30 defeat, approval, or modification of legislation that is being
31 considered by the general assembly.

32 Sec. 12. **APPLICABILITY.** The provision of this division
33 of this Act enacting section 8A.440, applies to collective
34 bargaining agreements entered into on or after the effective
35 date of this division of this Act.

1 wagons, full-size sedans, and passenger minivans. "Passenger
2 vehicles" does not mean utility vehicles, vans other than
3 passenger minivans, fire trucks, ambulances, motor homes,
4 buses, medium-duty and heavy-duty trucks, heavy construction
5 equipment, and other highway maintenance vehicles, vehicles
6 assigned for law enforcement purposes, vehicles assigned for
7 specialized use by the department of natural resources, and any
8 other classes of vehicles of limited application approved by
9 the director of the department of administrative services.

10 Sec. 16. DEPARTMENT OF ADMINISTRATIVE SERVICES — OFFICE
11 SPACE — COST-BENEFIT ANALYSIS. Following the filing of the
12 cost-benefit analysis required pursuant to 2010 Iowa Acts,
13 chapter 1184, section 49, the department of administrative
14 services shall locate state employees in office space in the
15 most cost-efficient manner possible. However, the department
16 shall not pay penalties for the early termination of a lease
17 for office space outside of the capitol complex.

18 Sec. 17. SALE OR LEASE OF IOWA COMMUNICATIONS NETWORK. The
19 Iowa telecommunications and technology commission shall
20 implement a request for proposals process to sell or lease the
21 Iowa communications network. The request for proposals shall
22 provide for the sale to be concluded or the lease to commence
23 during the fiscal year beginning July 1, 2011. The commission
24 shall condition the sale or lease of the Iowa communications
25 network with terms that will allow existing authorized users of
26 the network to continue such use at a lower overall long-term
27 cost when compared to the anticipated operation and maintenance
28 costs if state ownership and control were to continue. The
29 commission shall submit periodic status reports to the general
30 assembly at three-month intervals, beginning on October 1,
31 2011, regarding progress made toward selling or leasing the
32 network.

33 Sec. 18. 2010 Iowa Acts, chapter 1189, section 7, is amended
34 to read as follows:

35 SEC. 7. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There

1 is appropriated from the general fund of the state to the
2 Iowa ethics and campaign disclosure board for the fiscal year
3 beginning July 1, 2010, and ending June 30, 2011, the following
4 amount, or so much thereof as is necessary, for the purposes
5 designated:

6 For salaries, support, maintenance, and miscellaneous
7 purposes, and for not more than the following full-time
8 equivalent positions:

9	\$	537,256
10		<u>475,608</u>
11	FTEs	5.00
12		<u>4.00</u>

13 Sec. 19. 2010 Iowa Acts, chapter 1193, section 29, is
14 amended to read as follows:

15 SEC. 29. DEPARTMENT OF ADMINISTRATIVE SERVICES —
16 INFORMATION TECHNOLOGY. There is appropriated from the general
17 fund of the state to the department of administrative services
18 for the fiscal year beginning July 1, 2010, and ending June 30,
19 2011, the following amount, or so much thereof as is necessary,
20 to be used for the purposes designated:

21 For implementing 2010 Iowa Acts, Senate File 2088, division
22 I, including salaries, support, maintenance, and miscellaneous
23 purposes:

24	\$	2,300,000
----------	----	-----------

25 1. For the period beginning on the effective date of this
26 section through June 30, 2011, the department of administrative
27 services shall be subject to a limitation on expenditures made
28 for information technology procurement equal to 50 percent
29 of the unexpended or unencumbered amount remaining from the
30 appropriation made in this section, as of the effective date of
31 this section.

32 2. Notwithstanding any provision to the contrary,
33 commencing with the fiscal year beginning July 1, 2011, the
34 department of management shall designate the department of
35 administrative services as the provider for information

1 technology services for purposes of providing such services to
2 agencies and other governmental entities with the following
3 exceptions:

4 a. The office of the governor or the office of an elective
5 constitutional or statutory officer.

6 b. The general assembly, or any office or unit under its
7 administrative authority.

8 c. The judicial branch, as provided in section 602.1102.

9 d. A political subdivision of the state or its offices
10 or units, including but not limited to a county, city, or
11 community college.

12 e. The state board of regents and institutions operated
13 under the authority of the state board of regents.

14 f. The department of public defense, including both the
15 military division and the homeland security and emergency
16 management division.

17 3. Pursuant to the procedures provided in section 8A.202,
18 an agency or other governmental entity may seek a waiver from
19 receiving information technology services from the department
20 of administrative services.

21 Sec. 20. EFFECTIVE UPON ENACTMENT. This division of this
22 Act, being deemed of immediate importance, takes effect upon
23 enactment.

24 DIVISION IV

25 AGRICULTURE AND NATURAL RESOURCES

26 Sec. 21. DEPARTMENT OF NATURAL RESOURCES — REAL PROPERTY
27 ACQUISITION CURTAILED.

28 1. Notwithstanding any provision to the contrary, for the
29 period beginning on the effective date of this section through
30 the close of the fiscal year ending on June 30, 2011, the
31 department of natural resources shall not enter into a new
32 arrangement to acquire or otherwise control real property.

33 2. For the purposes of this section, "new arrangement" means
34 an obligation entered into on or after the effective date of
35 this section. An obligation includes but is not limited to

1 an agreement, contract, lease-purchase arrangement, or any
2 other instrument leading to state ownership or control of real
3 property that was not previously owned or controlled by the
4 state. "New arrangement" does not include a real property
5 acquisition or control project for which an appropriation to
6 the department was encumbered prior to the effective date of
7 this section.

8 3. This section, being deemed of immediate importance,
9 takes effect upon enactment.

10

DIVISION V

11

ECONOMIC DEVELOPMENT

12 Sec. 22. STATE RECORDS STORAGE. The department of cultural
13 affairs shall, within six months of the effective date of this
14 section, find different storage space for the storage of state
15 records.

16 Sec. 23. Section 15.108, subsection 5, paragraph c, Code
17 2011, is amended to read as follows:

18 c. Coordinate and develop with the department of
19 transportation, the department of natural resources, the
20 department of cultural affairs, ~~the generation Iowa commission,~~
21 the vision Iowa board, other state agencies, and local and
22 regional entities public interpretation, marketing, and
23 education programs that encourage Iowans and out-of-state
24 visitors to participate in the recreational and leisure
25 opportunities available in Iowa. The department shall
26 establish and administer a program that helps connect both
27 Iowa residents and residents of other states to new and
28 existing Iowa experiences as a means to enhance the economic,
29 social, and cultural well-being of the state. The program
30 shall include a broad range of new opportunities, both rural
31 and urban, including main street destinations, green space
32 initiatives, and artistic and cultural attractions.

33 Sec. 24. 2010 Iowa Acts, chapter 1184, section 43, is
34 amended to read as follows:

35 SEC. 43. SAVE OUR SMALL BUSINESSES FUND APPROPRIATION.

1 1. There is appropriated from the school infrastructure
2 fund created in section 12.82 to the department of economic
3 development for deposit in the save our small businesses fund
4 for the fiscal year beginning July 1, 2010, and ending June 30,
5 2011, the following amount, or so much thereof as is necessary,
6 to be used for the purposes designated:

7 For purposes of providing financial assistance under the
8 save our small businesses program under section 15.301:
9 \$ 5,000,000

10 Of the moneys appropriated pursuant to this section, the
11 department may allocate an amount not to exceed two percent of
12 the moneys appropriated for purposes of retaining the services
13 of an organization designated pursuant to section 15.301,
14 subsection 2, paragraph "b".

15 2. On the effective date of this section of this 2011 Iowa
16 Act, any unobligated and unencumbered moneys appropriated in
17 this section shall revert to the school infrastructure fund.

18 Sec. 25. 2010 Iowa Acts, chapter 1186, section 1, subsection
19 11, is amended to read as follows:

20 11. For membership in North America's supercorridor
21 coalition:
22 \$ 50,000

23 Beginning July 1, 2011, the department shall not renew
24 membership in North America's supercorridor coalition.

25 Sec. 26. REPEAL. Sections 15.300 and 15.301, Code 2011,
26 are repealed.

27 Sec. 27. REPEAL. Section 15.421, Code 2011, is repealed.

28 Sec. 28. GREAT PLACES PROGRAM.

29 1. For the period beginning on the effective date of this
30 section through the close of the fiscal year ending on June 30,
31 2011, the department of cultural affairs shall be subject to a
32 limitation on expenditures made on or after the effective date
33 of this section for purposes of the great places program in
34 accordance with this section.

35 2. The limitation shall be equal to any unexpended or

1 unencumbered amount that the department has budgeted or
2 otherwise designated for purposes of the great places program,
3 from the appropriations made for the fiscal year beginning July
4 1, 2010, and ending June 30, 2011, to the department from all
5 sources, as of the effective date of this section.

6 Sec. 29. LOANS — CONTINUED EFFECT. Loans awarded from
7 the save our small business fund pursuant to section 15.301,
8 prior to the effective date of this section, shall continue as
9 provided by the terms of the loans and shall be administered by
10 the department of economic development.

11 Sec. 30. EFFECTIVE UPON ENACTMENT. This division of this
12 Act, being deemed of immediate importance, takes effect upon
13 enactment.

14 DIVISION VI

15 EDUCATION

16 Sec. 31. 2010 Iowa Acts, chapter 1183, section 6, subsection
17 1, is amended to read as follows:

18 1. GENERAL ADMINISTRATION

19 For salaries, support, maintenance, miscellaneous purposes,
20 and for not more than the following full-time equivalent
21 positions:

22	\$	7,096,482
23		<u>7,037,482</u>
24	FTEs	83.67

25 Sec. 32. 2010 Iowa Acts, chapter 1183, section 6, subsection
26 17, is amended to read as follows:

27 17. CORE CURRICULUM AND CAREER INFORMATION AND
28 DECISION-MAKING SYSTEM

29 For purposes of implementing the statewide core curriculum
30 for school districts and accredited nonpublic schools and a
31 state-designated career information and decision-making system:

32	\$	1,901,556
33		<u>75,556</u>

34 It is the intent of the general assembly that the
35 standing committees on education of the senate and house of

1 representatives shall consider and propose legislation to amend
2 Iowa law regarding the statewide core curriculum, to take
3 effect on or before July 1, 2011.

4 UNIVERSITY OF IOWA

5 Sec. 33. 2010 Iowa Acts, chapter 1183, section 10,
6 subsection 2, paragraph a, is amended to read as follows:

7 a. General university, including lakeside laboratory

8 For salaries, support, maintenance, equipment, miscellaneous
9 purposes, and for not more than the following full-time
10 equivalent positions:

11	\$ 217,638,034
12	<u>215,732,011</u>
13	FTEs 5,058.55

14 IOWA STATE UNIVERSITY

15 Sec. 34. 2010 Iowa Acts, chapter 1183, section 10,
16 subsection 3, paragraph a, is amended to read as follows:

17 a. General university

18 For salaries, support, maintenance, equipment, miscellaneous
19 purposes, and for not more than the following full-time
20 equivalent positions:

21	\$ 170,536,017
22	<u>170,386,017</u>
23	FTEs 3,647.42

24 UNIVERSITY OF NORTHERN IOWA

25 Sec. 35. 2010 Iowa Acts, chapter 1183, section 10,
26 subsection 4, paragraph a, is amended to read as follows:

27 a. General university

28 For salaries, support, maintenance, equipment, miscellaneous
29 purposes, and for not more than the following full-time
30 equivalent positions:

31	\$ 77,549,809
32	<u>77,470,734</u>
33	FTEs 1,447.50

34 Sec. 36. LIBRARY ACQUISITION AND INFORMATION TECHNOLOGY
35 EXPENDITURES — STATE BOARD OF REGENTS.

1 1. For the period beginning on the effective date of this
2 section through the close of the fiscal year ending on June
3 30, 2011, the state board of regents shall be subject to a
4 limitation on expenditures made on or after the effective date
5 of this section for library acquisitions at all libraries, and
6 for information technology at the university of Iowa, the Iowa
7 state university of science and technology, and the university
8 of northern Iowa.

9 2. The limitation shall be equal to 50 percent of the
10 unexpended or unencumbered amount that the state board of
11 regents has budgeted or otherwise designated for purposes of
12 library acquisitions, and for information technology from
13 the appropriations made to the state board of regents from
14 all sources, as of the effective date of this section. The
15 appropriations made for such universities from the general
16 fund of the state in 2010 Iowa Acts, chapter 1183, section 10,
17 have been reduced in this Act to reflect the limitation on
18 expenditures required by this section.

19 Sec. 37. LIBRARY ACQUISITION FUNDING — DEPARTMENT OF
20 EDUCATION — STATE LIBRARY.

21 1. For the period beginning on the effective date of this
22 section through the close of the fiscal year ending on June
23 30, 2011, the department of education shall be subject to a
24 limitation on expenditures made on or after the effective date
25 of this section for library acquisitions at the state library
26 including digital acquisitions.

27 2. The limitation shall be equal to 50 percent of the
28 unexpended or unencumbered amount that the department of
29 education has budgeted or otherwise designated for purposes of
30 library acquisitions, including digital acquisitions, from the
31 appropriations made to the department from all sources, as of
32 the effective date of this section.

33 Sec. 38. REGENTS UNIVERSITY LEAVE LIMITATION. For the
34 period beginning on the effective date of this section and
35 ending June 30, 2012, the state board of regents shall not

1 approve paid leaves of absence granted pursuant to section
2 262.9, subsection 14, for any faculty member.

3 Sec. 39. STATEWIDE VOLUNTARY PRESCHOOL. It is the intent
4 of the general assembly to fill the needs addressed by the
5 statewide preschool program for four-year-old children repealed
6 by this division by expanding the preschool tuition assistance
7 provided as part of the school ready children grant program
8 administered through the early childhood Iowa initiative under
9 chapter 256I.

10 Sec. 40. TUITION GRANT PROGRAM REVISIONS — REGENTS
11 ADMINISTRATIVE FUNCTIONS.

12 1. The standing committees on education of the senate and
13 house of representatives shall recommend legislation to be
14 effective July 1, 2011, revising the tuition grant program
15 provisions administered by the college student aid commission
16 under chapter 261 so that the annual grant amount awarded under
17 the program is determined after the other aid available to
18 the student has been determined. The committees shall also
19 consider providing tuition grants based upon a sliding scale
20 that provides greater amounts for those with lower incomes
21 and lesser amounts for those with greater incomes. The joint
22 appropriations subcommittee on education shall consider such
23 legislation in recommending an amount to appropriate for
24 tuition grants for fiscal year 2011-2012.

25 2. The joint appropriations subcommittee on education shall
26 implement provisions to consolidate administrative functions at
27 the state board of regents and the institutions under the board
28 in order to reduce the amount that would otherwise be budgeted
29 for administrative functions for the fiscal year beginning July
30 1, 2011, and each fiscal year thereafter.

31 Sec. 41. Section 237A.21, subsection 3, paragraph p, Code
32 2011, is amended by striking the paragraph.

33 Sec. 42. Section 237A.22, subsection 1, paragraphs f and g,
34 Code 2011, are amended to read as follows:

35 *f.* Make recommendations for improving collaborations between

1 the child care programs involving the department and programs
2 supporting the education and development of young children
3 including but not limited to the federal head start program,
4 ~~the statewide preschool program for four-year-old children~~
5 and the early childhood, at-risk, and other early education
6 programs administered by the department of education.

7 *g.* Make recommendations for eliminating duplication and
8 otherwise improving the eligibility determination processes
9 used for the state child care assistance program and other
10 programs supporting low-income families, including but not
11 limited to the federal head start, early head start, and even
12 start programs; the early childhood, at-risk, and ~~preschool~~
13 prekindergarten programs administered by the department of
14 education; the family and self-sufficiency grant program; and
15 the family investment program.

16 Sec. 43. Section 256.11, subsection 1, paragraph c, Code
17 2011, is amended by striking the paragraph.

18 Sec. 44. Section 257.16, subsection 1, Code 2011, is amended
19 to read as follows:

20 1. There is appropriated each year from the general fund
21 of the state an amount necessary to pay the foundation aid
22 under this chapter, ~~the preschool foundation aid under chapter~~
23 ~~256C~~, supplementary aid under section 257.4, subsection 2, and
24 adjusted additional property tax levy aid under section 257.15,
25 subsection 4.

26 Sec. 45. Section 257.35, Code 2011, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 5A. Notwithstanding subsection 1, and in
29 addition to the reduction applicable pursuant to subsection
30 2, the state aid for area education agencies and the portion
31 of the combined district cost calculated for these agencies
32 for the fiscal year beginning July 1, 2010, and ending June
33 30, 2011, and subsequent fiscal years, shall be reduced by the
34 department of management by ten million dollars. The reduction
35 for each area education agency shall be prorated based on the

1 reduction that the agency received in the fiscal year beginning
2 July 1, 2003.

3 Sec. 46. Section 272.2, subsection 18, Code 2011, is amended
4 to read as follows:

5 18. May adopt rules for practitioners who are not eligible
6 for a statement of professional recognition under subsection
7 10, but have received a baccalaureate degree and provide a
8 service to students at any or all levels from prekindergarten
9 through grade twelve for a school district, accredited
10 nonpublic school, or area education agency, ~~or preschool~~
11 ~~program established pursuant to chapter 256C.~~

12 Sec. 47. Section 285.1, subsection 1, paragraph a,
13 subparagraph (3), Code 2011, is amended to read as follows:

14 (3) Children attending prekindergarten programs offered or
15 sponsored by the district or nonpublic school and approved by
16 the department of education or department of human services
17 ~~or children participating in preschool in an approved local~~
18 ~~program under chapter 256C~~ may be provided transportation
19 services. However, transportation services provided to
20 nonpublic school children are not eligible for reimbursement
21 under this chapter.

22 Sec. 48. REPEAL. Chapter 256C, Code 2011, is repealed.

23 Sec. 49. EFFECTIVE DATES.

24 1. The sections of this division of this Act amending Code
25 sections 237A.21, 237A.22, 256.11, 257.16, 257.35, 272.2, and
26 285.1 and repealing Code chapter 256C, take effect July 1,
27 2011, and apply to budget years beginning on or after July 1,
28 2011.

29 2. The provisions of this division of this Act other than
30 those addressed by subsection 1, being deemed of immediate
31 importance, take effect upon enactment.

32 DIVISION VII

33 HEALTH AND HUMAN SERVICES

34 Sec. 50. Section 217.6, Code 2011, is amended by adding the
35 following new unnumbered paragraph:

1 NEW UNNUMBERED PARAGRAPH. The rules and regulations
2 adopted for the public benefits and programs administered by
3 the department of human services shall apply the residency
4 eligibility restrictions required by federal and state law.

5 Sec. 51. DEPARTMENT ON AGING — PLAN FOR REDUCTION IN
6 NUMBER OF AREA AGENCIES ON AGING. The department on aging
7 shall develop a plan for reducing the number of area agencies
8 on aging in the state to not more than five, to be effective
9 beginning July 1, 2011. The department shall submit the plan
10 to the standing committees on human resources of the senate
11 and house of representatives and the joint appropriations
12 subcommittee on health and human services on or before February
13 25, 2011.

14 Sec. 52. JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH
15 AND HUMAN SERVICES. The joint appropriations subcommittee
16 on health and human services shall develop and include in
17 appropriations legislation a new reimbursement methodology for
18 juvenile shelter care providers for use beginning July 1, 2011.
19 The new reimbursement methodology shall end the practice of
20 providing reimbursement for unused shelter care beds.

21 HEALTH CARE COVERAGE COMMISSION

22 Sec. 53. 2009 Iowa Acts, chapter 183, section 65, subsection
23 3, is amended to read as follows:

24 3. There is appropriated from the human services
25 reinvestment fund for the fiscal year beginning July 1, 2009,
26 and ending June 30, 2010, the following amount to be used for
27 the following designated purpose:

28 For the legislative services agency to be used for costs
29 associated with the legislative health care coverage commission
30 created in 2009 Iowa Acts, Senate File 389, if enacted, or a
31 similar legislative commission:

32 \$ ~~315,000~~
33 148,000

34 Notwithstanding section 8.33, moneys appropriated in this
35 subsection that remain unencumbered or unobligated at the close

1 of the fiscal year shall not revert but shall remain available
2 for expenditure for the purposes designated until the close of
3 the fiscal year that begins July 1, 2010.

4 ADDICTIVE DISORDERS

5 Sec. 54. 2010 Iowa Acts, chapter 1192, section 2, subsection
6 1, unnumbered paragraph 1, is amended to read as follows:

7 For reducing the prevalence of use of tobacco, alcohol, and
8 other drugs, and treating individuals affected by addictive
9 behaviors, including gambling, and for not more than the
10 following full-time equivalent positions:

11	\$ 28,974,840
12	<u>26,574,840</u>
13	FTEs 18.00

14 Sec. 55. 2010 Iowa Acts, chapter 1192, section 2, subsection
15 1, paragraph a, is amended to read as follows:

16 a. Of the funds appropriated in this subsection, ~~\$7,438,282~~
17 \$5,038,282 shall be used for the tobacco use prevention and
18 control initiative, including efforts at the state and local
19 levels, as provided in chapter 142A.

20 (1) The director of public health shall dedicate sufficient
21 resources to promote and ensure retailer compliance with
22 tobacco laws and ordinances relating to persons under 18
23 years of age, and shall prioritize the state's compliance in
24 the allocation of available funds to comply with 42 U.S.C.
25 § 300x-26 and section 453A.2.

26 (2) Of the full-time equivalent positions authorized in
27 this subsection, 2.00 full-time equivalent positions shall
28 be utilized to provide for enforcement of tobacco laws,
29 regulations, and ordinances.

30 (3) Of the funds allocated in this lettered paragraph,
31 ~~\$1,796,508~~ \$1,197,672 shall be used for youth programs designed
32 to achieve the goals of the initiative, that are directed by
33 youth participants for youth pursuant to section 142A.9.

34 (4) For the period beginning on the effective date of
35 this subparagraph through the close of the fiscal year ending

1 on June 30, 2011, except for activities provided during the
 2 period through a contract or other legally binding obligation
 3 entered into prior to the period that cannot be canceled
 4 without penalty, the department shall cancel smoking cessation
 5 and prevention efforts funded in whole or in part under this
 6 paragraph "a". The efforts subject to this subparagraph
 7 shall include but are not limited to the just eliminate
 8 lies initiative and other expenditures relating to the youth
 9 programs addressed in subparagraph (3) and the quitline
 10 Iowa initiative. The joint appropriations subcommittee on
 11 health and human services, in consultation with the standing
 12 committees on human resources of the senate and house of
 13 representatives, shall recommend legislation to revise the
 14 youth programs addressed by subparagraph (3) effective July 1,
 15 2011, in order to eliminate unnecessary, wasteful expenditures.

HEALTHY CHILDREN AND FAMILIES

17 Sec. 56. 2010 Iowa Acts, chapter 1192, section 2, subsection
 18 4, unnumbered paragraph 1, is amended to read as follows:

19 For strengthening the health care delivery system at the
 20 local level, and for not more than the following full-time
 21 equivalent positions:

22	\$ 5,503,037
23	<u>5,398,037</u>
24	FTEs 21.00

25 Sec. 57. 2010 Iowa Acts, chapter 1192, section 2, subsection
 26 4, paragraph h, subparagraph (1), amended to read as follows:

27 (1) Of the funds appropriated in this subsection, ~~\$180,000~~
 28 \$120,000 shall be used for continued implementation of
 29 the recommendations of the direct care worker task force
 30 established pursuant to, based upon the report submitted to
 31 the governor and the general assembly in December 2006. The
 32 department may use a portion of the funds allocated in this
 33 paragraph for an additional position to assist in the continued
 34 implementation.

35 Sec. 58. 2010 Iowa Acts, chapter 1192, section 2, subsection

1 4, paragraph i, subparagraph (1), is amended to read as
2 follows:

3 (1) Of the funds appropriated in this subsection, ~~\$135,000~~
4 \$90,000 shall be used for allocation to an independent
5 statewide direct care worker association for education,
6 outreach, leadership development, mentoring, and other
7 initiatives intended to enhance the recruitment and retention
8 of direct care workers in health and long-term care.

9 HEALTHY AGING — PUBLIC PROTECTION

10 Sec. 59. 2010 Iowa Acts, chapter 1192, section 2,
11 subsections 5 and 8, are amended to read as follows:

12 5. HEALTHY AGING

13 To provide public health services that reduce risks and
14 invest in promoting and protecting good health over the
15 course of a lifetime with a priority given to older Iowans and
16 vulnerable populations:

17 \$ ~~8,045,779~~
18 7,745,779

19 a. Of the funds appropriated in this subsection, ~~\$2,209,696~~
20 \$2,127,316 shall be used for local public health nursing
21 services.

22 b. Of the funds appropriated in this subsection, ~~\$5,836,083~~
23 5,618,463 shall be used for home care aide services.

24 8. PUBLIC PROTECTION

25 For protecting the health and safety of the public through
26 establishing standards and enforcing regulations, and for not
27 more than the following full-time equivalent positions:

28 \$ ~~3,287,987~~
29 3,237,987

30 FTEs 130.00

31 a. Of the funds appropriated in this subsection, not more
32 than \$471,690 shall be credited to the emergency medical
33 services fund created in section 135.25. Moneys in the
34 emergency medical services fund are appropriated to the
35 department to be used for the purposes of the fund.

1 b. Of the funds appropriated in this subsection, \$234,229
2 shall be used for sexual violence prevention programming
3 through a statewide organization representing programs serving
4 victims of sexual violence through the department's sexual
5 violence prevention program. The amount allocated in this
6 lettered paragraph shall not be used to supplant funding
7 administered for other sexual violence prevention or victims
8 assistance programs.

9 c. Of the funds appropriated in this subsection, not more
10 than \$485,520 shall be used for the state poison control
11 center.

12 ~~d. Of the funds appropriated in this subsection, \$50,000~~
13 ~~shall be used for education, testing, training, and other costs~~
14 ~~to conform the requirements for certification of emergency~~
15 ~~medical care providers with national standards.~~

16 FAMILY PLANNING WAIVER

17 Sec. 60. 2010 Iowa Acts, chapter 1192, section 11,
18 subsection 24, is amended to read as follows:

19 24. a. The department of human services shall amend
20 the medical assistance waiver for the Iowa family planning
21 network to continue the current waiver with the following
22 modifications, to be effective ~~July 1, 2011~~ as soon as
23 federal approval can be obtained, which provide for all of the
24 following:

25 (1) Coverage for women who meet all of the following
26 criteria:

27 (a) Are uninsured or have health insurance coverage that
28 does not include coverage for benefits provided under the Iowa
29 family planning network.

30 (b) Have income of up to ~~300~~ 133 percent of the federal
31 poverty level.

32 (c) Are under 55 years of age.

33 (2) Coverage of pregnancy prevention services for men who
34 meet the income, age, and insurance coverage specifications
35 described in subparagraph (1).

1 b. Implementation of this subsection is contingent upon
2 approval of the medical assistance waiver for the Iowa family
3 planning network by the centers for Medicare and Medicaid
4 services of the United States department of health and human
5 services and upon availability of funding as determined by the
6 director of the department of human services.

7 c. Of the funds appropriated in this section, \$25,000 shall
8 be used for administrative costs for renewal and modification
9 of the Iowa family planning network waivers as provided in this
10 subsection.

11 CHILD AND FAMILY SERVICES — SHELTER CARE

12 Sec. 61. 2010 Iowa Acts, chapter 1192, section 19,
13 subsection 1, is amended to read as follows:

14 1. There is appropriated from the general fund of the
15 state to the department of human services for the fiscal year
16 beginning July 1, 2010, and ending June 30, 2011, the following
17 amount, or so much thereof as is necessary, to be used for the
18 purpose designated:

19 For child and family services:

20 \$ 79,593,023
21 79,127,023

22 Sec. 62. 2010 Iowa Acts, chapter 1192, section 19,
23 subsection 7, paragraph a, is amended to read as follows:

24 a. Notwithstanding section 234.35 or any other provision
25 of law to the contrary, state funding for shelter care shall
26 be limited to ~~\$7,894,147~~ \$7,428,147. The department may
27 continue or amend shelter care provider contracts to include
28 the child welfare emergency services for children that were
29 implemented pursuant to 2008 Iowa Acts, chapter 1187, section
30 16, subsection 7. An appropriate amount of the funds allocated
31 in this subsection may be used for wraparound and emergency
32 services to prevent the need for shelter care services,
33 including such services for children who have an immediate
34 need for shelter care services but are ineligible due to
35 income, status, or other requirement. The funding shall be

1 expended by providers in a manner that does not impinge upon
2 the availability of beds for eligible children.

3 Sec. 63. EFFECTIVE UPON ENACTMENT. This division of this
4 Act, being deemed of immediate importance, takes effect upon
5 enactment.

6 DIVISION VIII

7 INFRASTRUCTURE AND TRANSPORTATION

8 Sec. 64. LIVING ROADWAY TRUST FUND.

9 1. For the period beginning on the effective date of this
10 section through the close of the fiscal year ending on June
11 30, 2011, the department of transportation shall be subject to
12 a limitation on expenditures made on or after the effective
13 date of this section for purposes of the integrated roadside
14 vegetation management coordinator and support as described in
15 section 314.21, subsection 3, paragraph "a", subparagraph (1),
16 in accordance with this section.

17 2. The limitation shall be equal to any unexpended or
18 unencumbered amount that the department has budgeted or
19 otherwise designated for purposes of section 314.21, subsection
20 3, paragraph "a", subparagraph (1), from the moneys allocated
21 for the fiscal year beginning July 1, 2010, and ending June 30,
22 2011, to the department from all sources, as of the effective
23 date of this section.

24 Sec. 65. Section 16.194A, subsection 2, Code 2011, is
25 amended by striking the subsection.

26 Sec. 66. Section 28I.4, subsection 1, Code 2011, is amended
27 to read as follows:

28 1. The commission shall have the power and duty to make
29 comprehensive studies and plans for the development of the
30 area it serves which will guide the unified development of
31 the area and which will eliminate planning duplication and
32 promote economy and efficiency in the coordinated development
33 of the area and the general welfare, convenience, safety, and
34 prosperity of its people. The plan or plans collectively
35 shall be known as the regional or metropolitan development

1 plan. The plans for the development of the area may include
2 but shall not be limited to recommendations with respect to
3 existing and proposed highways, bridges, airports, streets,
4 parks and recreational areas, schools and public institutions
5 and public utilities, public open spaces, and sites for public
6 buildings and structures; districts for residence, business,
7 industry, recreation, agriculture, and forestry; water supply,
8 sanitation, drainage, protection against floods and other
9 disasters; areas for housing developments, slum clearance
10 and urban renewal and redevelopment; location of private
11 and public utilities, including but not limited to sewerage
12 and water supply systems; and such other recommendations
13 concerning current and impending problems as may affect the
14 area served by the commission. Time and priority schedules and
15 cost estimates for the accomplishment of the recommendations
16 may also be included in the plans. ~~The plans shall be made~~
17 ~~with consideration of the smart planning principles under~~
18 ~~section 18B.1.~~ The plans shall be based upon and include
19 appropriate studies of the location and extent of present
20 and anticipated populations; social, physical, and economic
21 resources, problems and trends; and governmental conditions and
22 trends. The commission is also authorized to make surveys,
23 land-use studies, and urban renewal plans, provide technical
24 services and other planning work for the area it serves and
25 for cities, counties, and other political subdivisions in the
26 area. A plan or plans of the commission may be adopted, added
27 to, and changed from time to time by a majority vote of the
28 planning commission. The plan or plans may in whole or in part
29 be adopted by the governing bodies of the cooperating cities
30 and counties as the general plans of such cities and counties.
31 The commission may also assist the governing bodies and other
32 public authorities or agencies within the area it serves
33 in carrying out any regional plan or plans, and assist any
34 planning commission, board or agency of the cities and counties
35 and political subdivisions in the preparation or effectuation

1 of local plans and planning consistent with the program of the
2 commission. The commission may cooperate and confer, as far as
3 possible, with planning agencies of other states or of regional
4 groups of states adjoining its area.

5 Sec. 67. Section 329.3, Code 2011, is amended to read as
6 follows:

7 **329.3 Zoning regulations — powers granted.**

8 Every municipality having an airport hazard area within
9 its territorial limits may adopt, administer, and enforce
10 in the manner and upon the conditions prescribed by this
11 chapter, zoning regulations for such airport hazard area,
12 which regulations may divide such area into zones and, within
13 such zones, specify the land uses permitted, and regulate
14 and restrict, for the purpose of preventing airport hazards,
15 the height to which structures and trees may be erected or
16 permitted to grow. ~~Regulations adopted under this chapter~~
17 ~~shall be made with consideration of the smart planning~~
18 ~~principles under section 18B.1.~~

19 Sec. 68. Section 335.5, subsections 3 and 4, Code 2011, are
20 amended by striking the subsections.

21 Sec. 69. Section 335.8, subsection 2, Code 2011, is amended
22 by striking the subsection.

23 Sec. 70. Section 414.3, subsections 3 and 4, Code 2011, are
24 amended by striking the subsections.

25 Sec. 71. Section 414.6, subsection 2, Code 2011, is amended
26 by striking the subsection.

27 Sec. 72. REPEAL. Chapter 18B, Code 2011, is repealed.

28 Sec. 73. REPEAL. 2010 Iowa Acts, chapter 1184, section 25,
29 is repealed.

30 Sec. 74. RECISION OF AWARDS. Any award to a city or county
31 that applies smart planning principles and guidelines pursuant
32 to sections 18B.1 and 18B.2, Code 2011, granted from moneys
33 appropriated pursuant to 2010 Iowa Acts, chapter 1184, section
34 10, subsection 4, paragraph "b", for which a contract has
35 not been entered into by the effective date of this section,

1 shall be rescinded. The Iowa jobs board shall not award any
2 additional such grants on or after the effective date of this
3 section.

4 Sec. 75. 2010 Iowa Acts, chapter 1184, section 1, subsection
5 1, paragraph c, unnumbered paragraph 1, is amended to read as
6 follows:

7 For the state's share of support in conjunction with the
8 city of Des Moines and local area businesses to provide a
9 free shuttle service to the citizens of Iowa that includes
10 transportation between the capitol complex and the downtown
11 Des Moines area, notwithstanding section 8.57, subsection 6,
12 paragraph "c":

13 \$ 200,000
14 125,000

15 Sec. 76. 2010 Iowa Acts, chapter 1184, section 1, subsection
16 7, paragraph c, is amended to read as follows:

17 c. For costs associated with the hiring and employment of an
18 asset manager at Honey creek resort state park, notwithstanding
19 section 8.57, subsection 6, paragraph "c":

20 \$ 100,000
21 26,200

22 ~~The department shall issue a request for proposals to~~
23 ~~competitively procure the services of an asset manager which~~
24 ~~shall be selected by the natural resource commission. The~~
25 ~~asset manager shall have hospitality management experience~~
26 ~~of at least five years including at least three years asset~~
27 ~~management experience in a setting similar in size and quality~~
28 ~~to the Honey creek resort state park with a similar type of~~
29 ~~market. The duties and job responsibilities of the asset~~
30 ~~manager shall include but are not limited to reviewing and~~
31 ~~commenting on the resort's sales and marketing plan, providing~~
32 ~~for the operation of the resort in a manner consistent with~~
33 ~~the requirements and limitations set forth in the resort's~~
34 ~~operating agreement, monitoring and supervising the resort~~
35 ~~including site visits, and negotiating and recommending an~~

1 ~~annual operating budget and budget plan. The asset manager~~
2 ~~shall report to bond counsel, the governor, the Honey creek~~
3 ~~authority, the department of natural resources, and the~~
4 ~~legislative services agency.~~

5 Sec. 77. 2009 Iowa Acts, chapter 184, section 1, subsection
6 12, paragraph a, as amended by 2010 Iowa Acts, chapter 1184,
7 section 71, is amended to read as follows:

8 a. For deposit in the passenger rail service revolving
9 fund created in section 327J.2, notwithstanding section 8.57,
10 subsection 6, paragraph "c":

11 \$ 3,000,000
12 302,007

13 Sec. 78. 2010 Iowa Acts, chapter 1184, section 2, subsection
14 3, is amended to read as follows:

15 3. DEPARTMENT OF TRANSPORTATION

16 For deposit into the passenger rail service revolving
17 fund created in section 327J.2 for matching federal funding
18 available through the federal Passenger Rail Investment
19 and Improvement Act of 2008 for passenger rail service,
20 notwithstanding section 8.57, subsection 6, paragraph "c":

21 FY 2011-2012..... \$ 6,500,000
22 0

23 ~~It is the intent of the general assembly to fund up to~~
24 ~~\$20 million over a four-year period to fully fund the state~~
25 ~~commitment for matching federal funding available through the~~
26 ~~federal Passenger Rail Investment and Improvement Act of 2008.~~

27 Sec. 79. 2010 Iowa Acts, chapter 1184, section 16, is
28 amended to read as follows:

29 SEC. 16. There is appropriated from the Iowa comprehensive
30 petroleum underground storage tank fund to the department of
31 transportation for the fiscal year beginning July 1, 2010, and
32 ending June 30, 2011, the following amount, or so much thereof
33 as is necessary, to be used for the purposes designated:

34 Notwithstanding section 455G.3, subsection 1, for deposit in
35 the passenger rail service revolving fund created in section

1 327J.2:

2 \$ 2,000,000
3 500,000

4 ~~Such funds shall be coupled with the remaining unobligated~~
5 ~~balance of up to one million five hundred thousand dollars from~~
6 ~~the appropriation made in 2009 Iowa Acts, chapter 184, section~~
7 ~~1, subsection 12, paragraph "a", for a total commitment of~~
8 ~~three million five hundred thousand dollars for the fiscal year~~
9 ~~beginning July 1, 2010, and ending June 30, 2011, for matching~~
10 ~~federal funding available through the Passenger Rail Investment~~
11 ~~and Improvement Act of 2008.~~

12 Sec. 80. 2008 Iowa Acts, chapter 1179, section 1, subsection
13 13, paragraph c, as amended by 2009 Iowa Acts, chapter 184,
14 section 22, is amended by striking the paragraph.

15 Sec. 81. EFFECTIVE UPON ENACTMENT. This division of this
16 Act, being deemed of immediate importance, takes effect upon
17 enactment.

18 DIVISION IX
19 JUSTICE SYSTEM

20 Sec. 82. CONSOLIDATION OF CHIEF JUVENILE COURT OFFICER
21 POSITION. The judiciary committees of the senate and house of
22 representatives shall recommend legislation to be effective
23 July 1, 2011, providing for a single chief juvenile court
24 officer position for the state instead of a chief officer for
25 each judicial district. The joint appropriations subcommittee
26 on the justice system shall consider such legislation in
27 recommending an amount to appropriate for the judicial branch
28 for fiscal year 2011-2012.

29 Sec. 83. 2010 Iowa Acts, chapter 1185, section 1, subsection
30 1, paragraph a, is amended by adding the following new
31 unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. In cases that are not considered
33 unusually complicated pursuant to the rules adopted by the
34 state public defender where either the state public defender
35 approves a claim in excess of a fee limitation established

1 under section 13B.4, subsection 4, or upon the court ordering
2 the state public defender to approve such a claim in excess
3 of the fee limitations, an amount equal to the portion of the
4 claim in excess of the fee limitation approved by the state
5 public defender or ordered by the court shall be transferred
6 by the judicial branch from the moneys appropriated in this
7 lettered paragraph to the revolving fund created in section
8 602.1302. Notwithstanding section 602.1302, the judicial
9 branch shall transfer moneys credited to the revolving fund
10 pursuant to this unnumbered paragraph to the state public
11 defender to be credited to the indigent defense fund created
12 in section 815.11. Moneys credited to the indigent defense
13 fund pursuant to this unnumbered paragraph shall be used to
14 reimburse the state public defender by applying the same
15 procedures used to reimburse the state public defender for
16 attorney fees paid pursuant to section 600A.6B.

17 Sec. 84. 2010 Iowa Acts, chapter 1190, section 10, is
18 amended to read as follows:

19 SEC. 10. STATE PUBLIC DEFENDER. There is appropriated from
20 the general fund of the state to the office of the state public
21 defender of the department of inspections and appeals for the
22 fiscal year beginning July 1, 2010, and ending June 30, 2011,
23 the following amounts, or so much thereof as is necessary, to
24 be allocated as follows for the purposes designated:

25 1. For salaries, support, maintenance, miscellaneous
26 purposes, and for not more than the following full-time
27 equivalent positions:

28 \$ 21,743,182
29 FTEs 203.00

30 2. For the fees of court-appointed attorneys for indigent
31 adults and juveniles, in accordance with section 232.141 and
32 chapter 815:

33 \$ ~~15,680,929~~
34 31,680,929

35 Sec. 85. EFFECTIVE UPON ENACTMENT. This division of this

1 Act, being deemed of immediate importance, takes effect upon
2 enactment.

3

DIVISION X

4

POWER FUND — OFFICE OF ENERGY INDEPENDENCE

5

Sec. 86. REPEAL. Chapter 469, Code 2011, is repealed.

6

Sec. 87. TRANSITION PROVISIONS — DEPARTMENTAL

7 AUTHORITY. Beginning on the effective date of this section,
8 the department of natural resources shall assume the duties of
9 the office of energy independence until otherwise determined
10 by the general assembly. During the 2011 session of the
11 Eighty-fourth General Assembly, the joint appropriations
12 subcommittee on agriculture and natural resources shall include
13 Code provisions relating to the repeal of chapter 469 and the
14 transfer of departmental authority from the office of energy
15 independence to another state entity in a proposed committee
16 on appropriations bill.

17 Sec. 88. TRANSITION PROVISIONS — CONTINUATION OF GRANTS.

18 1. Any moneys remaining in any account or fund under the
19 control of the office of energy independence on the effective
20 date of this division relative to the provisions of this
21 division shall be transferred to a comparable fund or account
22 under the control of the department of natural resources for
23 such purposes, until otherwise determined by the general
24 assembly. Notwithstanding section 8.33, the moneys transferred
25 in accordance with this subsection shall not revert to the
26 account or fund from which appropriated or transferred.

27 2. Any license, permit, or contract issued or entered
28 into by the office of energy independence relative to the
29 provisions of this division in effect on the effective date
30 of this division shall continue in full force and effect
31 pending transfer of such licenses, permits, or contracts to the
32 department of natural resources, until otherwise determined by
33 the general assembly.

34 3. Grants or loans awarded from the Iowa power fund pursuant
35 to section 469.9 prior to the effective date of this division

1 shall continue as provided by the terms of the grants or
2 loans and shall be administered by the department of natural
3 resources, until otherwise determined by the general assembly.

4 4. Federal funds utilized by the director of the office
5 of energy independence prior to the effective date of this
6 division to employ personnel necessary to administer the
7 provisions of this division shall be applicable to the transfer
8 of such personnel from the office of energy independence to
9 the department of natural resources, or other state agency as
10 determined by the general assembly.

11 Sec. 89. EFFECTIVE UPON ENACTMENT. This division of this
12 Act, being deemed of immediate importance, takes effect upon
13 enactment.

14 DIVISION XI

15 REBUILD IOWA OFFICE

16 Sec. 90. Section 16.191, subsection 2, paragraph e, Code
17 2011, is amended to read as follows:

18 e. ~~The executive director of the rebuild Iowa office~~
19 ~~or the director's designee until June 30, 2011, and then~~
20 the administrator of the homeland security and emergency
21 management division of the department of public defense or the
22 administrator's designee.

23 Sec. 91. Section 29C.20B, subsection 1, Code 2011, is
24 amended to read as follows:

25 1. ~~The rebuild Iowa office shall work with the department~~
26 of human services and nonprofit, voluntary, and faith-based
27 organizations active in disaster recovery and response
28 in coordination with the homeland security and emergency
29 management division shall work to establish a statewide
30 system of disaster case management to be activated following
31 the governor's proclamation of a disaster emergency or the
32 declaration of a major disaster by the president of the
33 United States for individual assistance purposes. Under the
34 system, the department of human services shall coordinate
35 case management services locally through local committees as

1 established in each local emergency management commission's
2 emergency plan. ~~Beginning July 1, 2011, the department of~~
3 ~~human services shall assume the duties of the rebuild Iowa~~
4 ~~office under this subsection.~~

5 Sec. 92. Section 29C.20B, subsection 2, unnumbered
6 paragraph 1, Code 2011, is amended to read as follows:

7 The department of human services, in conjunction with
8 ~~the rebuild Iowa office,~~ the homeland security and emergency
9 management division, and an Iowa representative to the national
10 voluntary organizations active in disaster, shall adopt rules
11 pursuant to chapter 17A to create coordination mechanisms
12 and standards for the establishment and implementation of
13 a statewide system of disaster case management which shall
14 include at least all of the following:

15 Sec. 93. Section 103A.8C, subsection 1, Code 2011, is
16 amended to read as follows:

17 1. The commissioner, after consulting with and receiving
18 recommendations from the department of public defense, and
19 the department of natural resources, ~~and the rebuild Iowa~~
20 ~~office,~~ shall adopt rules pursuant to chapter 17A specifying
21 standards and requirements for design and construction of safe
22 rooms and storm shelters. In developing these standards, the
23 commissioner shall consider nationally recognized standards.
24 The standards and requirements shall be incorporated into the
25 state building code established in section 103A.7, but shall
26 not be interpreted to require the inclusion of a safe room or
27 storm shelter in a building construction project unless such
28 inclusion is expressly required by another statute or by a
29 federal statute or regulation. However, if a safe room or
30 storm shelter is included in any building construction project
31 which reaches the design development phase on or after January
32 1, 2011, compliance with the standards developed pursuant to
33 this section shall be required.

34 Sec. 94. Section 466B.3, subsection 4, paragraph n, Code
35 2011, is amended by striking the paragraph.

1 Sec. 95. 2009 Iowa Acts, chapter 169, section 10, subsection
2 6, is amended to read as follows:

3 6. This section is repealed ~~June 30, 2011~~ on the effective
4 date of this section of this 2011 Iowa Act.

5 Sec. 96. 2010 Iowa Acts, chapter 1189, section 28, is
6 amended to read as follows:

7 SEC. 28. REBUILD IOWA OFFICE.

8 1. There is appropriated from the general fund of the state
9 to the rebuild Iowa office for the fiscal year beginning July
10 1, 2010, and ending June 30, 2011, the following amount, or
11 so much thereof as is necessary, to be used for the purposes
12 designated:

13 For salaries, support, maintenance, and miscellaneous
14 purposes, and for not more than the following full-time
15 equivalent positions:

16	\$	647,014
17		<u>531,014</u>
18	FTEs	12.00

19 It is the intent of the general assembly that the rebuild
20 Iowa office shall be repealed effective June 30, 2011, and
21 shall not receive an appropriation from the general fund of the
22 state after that date.

23 2. a. Of the moneys appropriated in this section, \$50,000
24 shall be transferred to the homeland security and emergency
25 management division of the department of public defense for
26 purposes of assuming the duties of the rebuild Iowa office.

27 b. For purposes of assuming the duties of the rebuild Iowa
28 office, the homeland security and emergency management division
29 of the department of public defense shall be authorized an
30 additional 0.5 FTEs above those otherwise authorized to the
31 division.

32 c. This subsection shall take effect on the effective date
33 of this section of this 2011 Iowa Act.

34 Sec. 97. REBUILD IOWA OFFICE ELIMINATION — TRANSFER OF
35 DUTIES. Beginning on the effective date of this division

1 of this Act, the homeland security and emergency management
2 division of the department of public defense shall assume all
3 duties of the rebuild Iowa office.

4 Sec. 98. EFFECTIVE UPON ENACTMENT. This division of this
5 Act, being deemed of immediate importance, takes effect upon
6 enactment.

7 DIVISION XII

8 GROW IOWA VALUES FUND AND PROGRAM

9 Sec. 99. Section 15.103, subsection 6, Code 2011, is amended
10 to read as follows:

11 6. As part of the organizational structure of the
12 department, the board shall establish a due diligence
13 committee and a loan and credit guarantee committee composed
14 of members of the board. The committees shall serve in an
15 advisory capacity to the board and shall carry out any duties
16 assigned by the board in relation to programs administered
17 by the department. The loan and credit guarantee committee
18 shall advise the board on the winding up of loan guarantees
19 made under the loan and credit guarantee program established
20 pursuant to section 15E.224, Code 2009, and on the proper
21 amount of the allocation described in section 15G.111,
22 subsection 4, paragraph "g".

23 Sec. 100. Section 15.104, subsection 1, Code 2011, is
24 amended by striking the subsection.

25 Sec. 101. Section 15.104, subsection 8, paragraphs b and i,
26 Code 2011, are amended by striking the paragraphs.

27 Sec. 102. Section 15.104, subsection 8, paragraph j, Code
28 2011, is amended to read as follows:

29 *j. Renewable fuel programs.* A detailed accounting of
30 expenditures in support of renewable fuel infrastructure
31 programs, as provided in sections 15G.203 and 15G.204. The
32 ~~renewable fuel infrastructure board established in section~~
33 ~~15G.202 shall approve that portion of the department's annual~~
34 ~~report regarding projects supported from the grow Iowa values~~
35 ~~fund created in section 15G.111. This paragraph is repealed on~~

1 July 1, 2012.

2 Sec. 103. Section 15.327, Code 2011, is amended by adding
3 the following new subsections:

4 NEW SUBSECTION. 01. "*Base employment level*" means the
5 number of full-time equivalent positions at a business,
6 as established by the department and a business using the
7 business's payroll records, as of the date a business applies
8 for financial assistance under the program.

9 NEW SUBSECTION. 3A. "*County wage*" means the average hourly
10 compensation rates, excluding the value of nonwage benefits for
11 comparable jobs, from the most recent four quarters of wage
12 and employment information from the quarterly covered wage and
13 employment data report issued by the department of workforce
14 development.

15 NEW SUBSECTION. 7A. "*Full-time equivalent position*" means
16 a non-part-time position for the number of hours or days per
17 week considered to be full-time work for the kind of service
18 or work performed for an employer. Typically, a full-time
19 equivalent position requires two thousand eighty hours of work
20 in a calendar year, including all paid holidays, vacations,
21 sick time, and other paid leave.

22 NEW SUBSECTION. 7B. "*Maintenance period*" means the period
23 of time between the project completion date and maintenance
24 period completion date.

25 NEW SUBSECTION. 12A. "*Regional wage*" means the average
26 hourly compensation rates, excluding the value of nonwage
27 benefits for comparable jobs, from the most recent four
28 quarters of wage and employment information from the quarterly
29 covered wage and employment data report issued by the
30 department of workforce development.

31 Sec. 104. Section 15.327, subsections 1, 4, 7, 8, 10, 12,
32 and 13, Code 2011, are amended by striking the subsections and
33 inserting in lieu thereof the following:

34 1. "*Benefit*" means nonwage compensation provided to an
35 employee. Benefits typically include medical and dental

1 insurance plans, pension, retirement, and profit-sharing plans,
2 child care services, life insurance coverage, vision insurance
3 coverage, disability insurance coverage, and any other nonwage
4 compensation as determined by the board.

5 4. "*Created job*" means a new, permanent, full-time
6 equivalent position added to a business's payroll in excess of
7 the business's base employment level.

8 7. "*Fiscal impact ratio*" means a ratio calculated by
9 estimating the amount of taxes to be received from a business
10 by the state and dividing the estimate by the estimated cost
11 to the state of providing certain financial incentives to
12 the business, reflecting a ten-year period of taxation and
13 incentives and expressed in terms of current dollars. For
14 purposes of the program, "*fiscal impact ratio*" does not include
15 taxes received by political subdivisions.

16 8. "*Maintenance period completion date*" means the date on
17 which the maintenance period ends.

18 10. "*Project completion date*" means the date by which
19 a recipient of financial assistance has agreed to meet all
20 the terms and obligations contained in an agreement with the
21 department as described in section 15.330.

22 12. "*Qualifying wage threshold*" means the county wage or the
23 regional wage, as calculated pursuant to subsections 3A and
24 12A, whichever is lower.

25 13. "*Retained job*" means a full-time equivalent position,
26 in existence at the time an employer applies for financial
27 assistance which remains continuously filled or authorized
28 to be filled as soon as possible and which is at risk of
29 elimination if the project for which the employer is seeking
30 assistance does not proceed.

31 Sec. 105. Section 15.329, subsection 2, Code 2011, is
32 amended to read as follows:

33 2. A business providing a sufficient package of benefits to
34 each employee holding a created or retained job shall qualify
35 for a credit against the qualifying wage threshold requirements

1 described in subsection 1, paragraph "c". The credit shall be
2 calculated and applied in the following manner: ~~described in~~
3 ~~section 15G.112, subsection 4, paragraph "b".~~

4 a. By multiplying the qualifying wage threshold of
5 the county in which the business is located by one and
6 three-tenths.

7 b. By multiplying the result of paragraph "a" by one-tenth.

8 c. The amount of the result of paragraph "b" shall be
9 credited against the amount of the one hundred thirty percent
10 qualifying wage threshold requirement that the business is
11 required to meet under subsection 1, paragraph "c".

12 d. The credit shall not be applied against the one hundred
13 percent of qualifying wage threshold requirement described in
14 subsection 1, paragraph "c".

15 Sec. 106. Section 15.330, subsection 4, Code 2011, is
16 amended to read as follows:

17 4. A project completion date, a maintenance period
18 completion date, the number of jobs to be created or retained,
19 or certain other terms and obligations described in ~~section~~
20 ~~15G.112, subsection 1, paragraph "d"~~ an agreement, as the
21 department deems necessary in order to make the requirements in
22 project agreements uniform. The department, with the approval
23 of the board, may adopt rules as necessary for making such
24 requirements uniform. Such rules shall be in compliance with
25 the provisions of this part ~~and with the provisions of chapter~~
26 ~~15G.~~

27 Sec. 107. Section 15.335A, subsection 1, unnumbered
28 paragraph 1, Code 2011, is amended to read as follows:

29 Tax incentives are available to eligible businesses as
30 provided in this section. The incentives are based upon the
31 number of jobs created or retained that pay at least one
32 hundred thirty percent of the qualifying wage threshold as
33 computed pursuant to ~~section 15G.112~~ 15.329, subsection 4 1,
34 and the amount of the qualifying investment made according to
35 the following schedule:

1 Sec. 108. Section 15.335A, subsection 2, paragraphs b, c, f,
2 and g, Code 2011, are amended by striking the paragraphs.

3 Sec. 109. Section 15.335A, subsection 5, Code 2011, is
4 amended to read as follows:

5 5. The department shall negotiate the amount of tax
6 incentives provided to an applicant under the program
7 in accordance with this section ~~and section 15G.112, as~~
8 ~~applicable.~~

9 Sec. 110. Section 15A.7, subsection 3, Code 2011, is amended
10 to read as follows:

11 3. That the employer shall agree to pay wages for the jobs
12 for which the credit is taken of at least the county wage or
13 the regional wage, as calculated ~~by the department~~ pursuant to
14 ~~section 15G.112, subsection 3~~ 15.327, subsections 3A and 12A,
15 whichever is lower. Eligibility for the supplemental credit
16 shall be based on a one-time determination of starting wages by
17 the community college.

18 Sec. 111. Section 15E.193, subsection 1, paragraphs b
19 through d, Code 2011, are amended to read as follows:

20 **b.** (1) The business shall provide a sufficient package of
21 benefits to each employee holding a created or retained job.
22 For purposes of this paragraph, "*created job*" and "*retained job*"
23 have the same meaning as defined in section ~~15G.101~~ 15.327.

24 (2) The board, upon the recommendation of the department,
25 shall adopt rules determining what constitutes a sufficient
26 package of benefits.

27 **c.** The business shall pay a wage that is at least ninety
28 percent of the qualifying wage threshold. For purposes of this
29 paragraph, "*qualifying wage threshold*" has the same meaning as
30 defined in section ~~15G.101~~ 15.327.

31 **d.** Creates or retains at least ten full-time equivalent
32 positions and maintains them until the maintenance period
33 completion date. For purposes of this paragraph, "*maintenance*
34 *period completion date*" and "*full-time equivalent position*" have
35 the same meanings as defined in section ~~15G.101~~ 15.327.

1 Sec. 112. Section 15E.231, unnumbered paragraph 1, Code
2 2011, is amended to read as follows:

3 ~~In order for an~~ An economic development region ~~to receive~~
4 ~~moneys under the grow Iowa values financial assistance program~~
5 ~~established in section 15G.112,~~ an shall establish a regional
6 development plan. An economic development region's regional
7 development plan must be approved by the department. An
8 economic development region shall consist of not less than
9 three counties, unless two contiguous counties have a combined
10 population of at least three hundred thousand based on the
11 most recent federal decennial census. An economic development
12 region shall establish a focused economic development effort
13 that shall include a regional development plan relating to one
14 or more of the following areas:

15 Sec. 113. Section 15E.232, subsections 1, 3, 4, 5, 6, and 7,
16 Code 2011, are amended by striking the subsections.

17 Sec. 114. Section 15E.351, subsection 1, Code 2011, is
18 amended to read as follows:

19 1. The department shall establish and administer a business
20 accelerator program to provide financial assistance for
21 the establishment and operation of a business accelerator
22 for technology-based, value-added agricultural, information
23 solutions, alternative and renewable energy including the
24 alternative and renewable energy sectors listed in section
25 476.42, subsection 1, paragraph "a", or advanced manufacturing
26 start-up businesses or for a satellite of an existing business
27 accelerator. The program shall be designed to foster the
28 accelerated growth of new and existing businesses through the
29 provision of technical assistance. ~~The department, subject to~~
30 ~~the approval of the economic development board, may provide~~
31 ~~financial assistance under this section from moneys allocated~~
32 ~~for regional financial assistance pursuant to section 15G.111,~~
33 ~~subsection 9.~~

34 Sec. 115. Section 159A.6B, subsection 2, Code 2011, is
35 amended to read as follows:

1 2. The office may execute contracts in order to provide
2 technical support and outreach services for purposes of
3 assisting and educating interested persons as provided in this
4 section. The office may also contract with a consultant to
5 provide part or all of these services. The office may require
6 that a person receiving assistance pursuant to this section
7 contribute up to fifty percent of the amount required to
8 support the costs of contracting with the consultant to provide
9 assistance to the person. ~~The office shall assist the person~~
10 ~~in completing any technical information required in order to~~
11 ~~receive assistance by the department of economic development~~
12 ~~pursuant to the value-added agriculture component of the grow~~
13 ~~Iowa values financial assistance program established pursuant~~
14 ~~to section 15G.112.~~

15 Sec. 116. Section 455B.104, subsection 2, Code 2011, is
16 amended by striking the subsection.

17 Sec. 117. 2010 Iowa Acts, chapter 1184, section 26, is
18 amended to read as follows:

19 SEC. 26. GROW IOWA VALUES FUND.

20 1. There is appropriated from the rebuild Iowa
21 infrastructure fund to the department of economic development
22 for deposit in the grow Iowa values fund, for the fiscal year
23 beginning July 1, 2010, and ending June 30, 2011, the following
24 amount, notwithstanding section 8.57, subsection 6, paragraph
25 "c":

26 \$ 38,000,000

27 2. On the effective date of this section of this 2011 Iowa
28 Act, any unobligated and unencumbered moneys appropriated in
29 this section and section 27 of this 2010 Iowa Act, shall revert
30 to the rebuild Iowa infrastructure fund.

31 Sec. 118. 2010 Iowa Acts, chapter 1184, section 27, is
32 amended to read as follows:

33 SEC. 27. GROW IOWA VALUES FUND APPROPRIATION REDUCTION.

34 1. In lieu of the \$50,000,000 appropriated for the fiscal
35 year beginning July 1, 2010, and ending June 30, 2011, from

1 the grow Iowa values fund to the department of economic
2 development pursuant to section 15G.111, subsection 3, there is
3 appropriated from the grow Iowa values fund to the department
4 of economic development for the fiscal year beginning July 1,
5 2010, and ending June 30, 2011, \$38,000,000 for the purposes of
6 making expenditures pursuant to chapter 15G.

7 2. On the effective date of this section of this 2011 Iowa
8 Act, an entity receiving moneys appropriated pursuant to this
9 section, with the exception of moneys allocated pursuant to
10 section 28, subsections 2 and 5, of this 2010 Iowa Act, shall
11 cease obligating or encumbering such moneys.

12 Sec. 119. REPEAL. Section 15E.233, Code 2011, is repealed.

13 Sec. 120. REPEAL. Sections 15G.101 and 15G.109 through
14 15G.115, Code 2011, are repealed.

15 Sec. 121. REPEAL. Section 266.19, Code 2011, is repealed.

16 Sec. 122. REPEAL. Section 455B.433, Code 2011, is repealed.

17 Sec. 123. EFFECTIVE DATE. The provisions of this division
18 of this Act amending 2010 Iowa Acts, chapter 1184, being deemed
19 of immediate importance, take effect upon enactment.

20 DIVISION XIII

21 COUNTY MENTAL HEALTH

22 AND DISABILITY SERVICES

23 Sec. 124. COUNTY WAITING LISTS.

24 1. There is appropriated from the general fund of the
25 state to the department of human services for the fiscal year
26 beginning July 1, 2010, and ending June 30, 2011, the following
27 amount, or so much thereof as is necessary, to be used for the
28 purposes designated:

29 To be credited to the risk pool in the property tax relief
30 fund created in chapter 426B and expended as provided in this
31 section:

32 \$ 25,000,000

33 2. The amount appropriated in this section is appropriated
34 from the risk pool to the department of human services for
35 distribution as provided in this section. Notwithstanding

1 section 8.33, moneys appropriated in this section that remain
2 unencumbered or unobligated at the close of the fiscal year
3 shall not revert but shall remain available for expenditure
4 for the purposes designated until the close of the succeeding
5 fiscal year.

6 3. a. For the purposes of this section, "services fund"
7 means a county's mental health, mental retardation, and
8 developmental disabilities services fund created in section
9 331.424A.

10 b. The risk pool board shall implement a process for
11 distribution of the amount appropriated in this section to
12 counties to be used to provide eligibility for services and
13 other support payable from the counties' services funds for
14 persons who are eligible under county management plan but
15 due to insufficient funding are on a waiting list for the
16 services and other support. The period addressed by the
17 funding appropriated in this section begins on or after the
18 effective date of this section and ends June 30, 2012. Of the
19 amount appropriated in this section, up to \$5,000,000 shall be
20 targeted to expand medical assistance program waiver slots for
21 those waivers for which counties pay the nonfederal share of
22 the costs.

23 c. The general assembly finds that as of the time of
24 enactment of this section, the funding appropriated in this
25 section is sufficient to eliminate the need for continuing
26 or reinstating waiting lists during the period addressed
27 by the appropriation. However, the process implemented by
28 the risk pool board shall ensure there is adequate funding so
29 that a person made eligible for services and other support
30 from the waiting list would not be required to return to the
31 waiting list if a later projection indicates the funding is
32 insufficient to cover for the entire period all individuals
33 removed from the waiting list pursuant to this section.

34 d. The funding provided in this section is intended to
35 provide necessary services for adults in need of mental health,

1 mental retardation, or developmental disabilities services
2 until improvements to the current system can be developed and
3 enacted.

4 Sec. 125. ADULT MENTAL HEALTH AND DISABILITY SERVICE SYSTEM
5 REFORM.

6 1. The general assembly finds there is need to reform the
7 adult mental health and disability services system administered
8 by counties to address the needs of persons with mental
9 illness, mental retardation, or developmental disabilities.
10 Issues with the current system include the following:

11 a. Lack of a set of core services uniformly available
12 throughout the state.

13 b. Lack of uniformity in service expenditures throughout
14 the state.

15 c. Disparity in county levy rates for the services funds for
16 this system.

17 d. The need to improve the array of community-based services
18 and services to avoid the use or continued use of crisis
19 services.

20 e. The need to expand the availability of dual diagnosis
21 mental health and substance abuse services.

22 f. The need to improve the consistency of services available
23 to both youth and adult populations.

24 g. The need to address the medical assistance (Medicaid)
25 program changes in the federal Patient Protection and
26 Affordable Care Act (PPACA) that will greatly expand the
27 program's eligibility for persons in the service system
28 beginning in calendar year 2014.

29 h. Dissatisfaction with using county of legal settlement
30 determinations to determine county and state financial
31 responsibility for services.

32 2. In order to address the issues identified in subsection
33 1, the committees on human resources, appropriations, and ways
34 and means of the senate and house of representatives shall
35 propose legislation to address the following actions by the

1 dates indicated:

2 a. Phase-in of the state fully assuming the nonfederal
3 share of the costs for Medicaid program services now borne by
4 counties by the implementation date of the Medicaid eligibility
5 changes under PPACA.

6 b. Provide property tax relief and equity by having the
7 state assume a greater role in funding the adult mental health
8 and disability services system from counties by July 1, 2012,
9 when the repeals contained in this division of this Act take
10 effect.

11 c. Shift the balance of responsibilities for the services
12 system between the state and counties so that the state
13 ensures greater uniformity and there is sufficient size to
14 develop effective services while maintaining the county role of
15 bringing local resources together in unique ways that best meet
16 the needs of clients, by implementing a new regional structure
17 by July 1, 2012, when the repeals contained in this division
18 of this Act take effect.

19 Sec. 126. Section 331.424A, Code 2011, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 6. This section is repealed July 1, 2012.

22 Sec. 127. Section 331.438, Code 2011, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 5. This section is repealed July 1, 2012.

25 Sec. 128. Section 331.439, Code 2011, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 10. This section is repealed July 1, 2012.

28 Sec. 129. Section 331.440, Code 2011, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 7. This section is repealed July 1, 2012.

31 Sec. 130. NEW SECTION. **426B.6 Future repeal.**

32 This chapter is repealed July 1, 2012.

33 Sec. 131. **CONFORMING PROVISIONS.** The legislative services
34 agency shall prepare a study bill for consideration by the
35 committees on human resources of the senate and house of

1 representatives for the 2012 legislative session, providing
2 conforming Code changes for implementation of the repeal
3 provisions contained in this division of this Act.

4 Sec. 132. EFFECTIVE UPON ENACTMENT. This division of this
5 Act, being deemed of immediate importance, takes effect upon
6 enactment.

7 EXPLANATION

8 This bill relates to public funding and regulatory matters
9 and makes, reduces, and transfers appropriations and revises
10 fund amounts. The bill is organized into divisions.

11 TAX RELIEF FUND. This division creates the tax relief fund
12 in new Code section 8.57E. The fund is to be used to make
13 appropriations providing tax relief. Legislative intent is
14 provided to enact appropriations for purposes of tax relief
15 pursuant to recommendations made by the general assembly's
16 standing committees on ways and means.

17 Code section 8.55 is amended to provide that when the Iowa
18 economic emergency fund achieves its maximum balance the excess
19 funds are transferred to the tax relief fund instead of the
20 general fund of the state.

21 Code section 8.58, exempting the balances in existing
22 reserve funds from being considered in the application of any
23 formula, index, or other statutory triggering mechanism which
24 would affect appropriations, payments, or taxation rates, and
25 by an arbitrator or collective bargaining negotiation under
26 Code chapter 20, is amended by adding the new tax relief fund
27 to the list.

28 The division takes effect upon enactment, applies to
29 transfers made from the Iowa economic emergency fund to the tax
30 relief fund on or after the effective date, and such transfers
31 are required to be incorporated in the state general fund
32 expenditure limitation calculated for fiscal year 2011-2012.

33 UNIFORM PROVISIONS. This division includes requirements
34 applicable across state government.

35 Along with new Code section 8A.440, which is also included

1 in this division, a temporary law provision requires the
2 state's executive and judicial branch authorities responsible
3 for collective bargaining negotiations with applicable state
4 employee organizations, to discuss health insurance coverage
5 of state employees and their families in order to renegotiate
6 such coverage to achieve cost savings for the state. One of
7 the options to be discussed is a required monthly payment by
8 employees of at least \$50 of the cost of single coverage or a
9 like increase in the employee cost for family coverage.

10 Executive branch agencies are made subject to a limitation
11 on expenditures for office supplies, outside services purchase,
12 equipment purchases, information technology, and marketing
13 equal to 50 percent of the unexpended or unencumbered balances
14 remaining from the amounts budgeted for such purposes for the
15 remainder of fiscal year 2010-2011. If another provision
16 of the bill directs an agency to apply a limitation on
17 expenditures made for information technology or reduces the
18 information technology portion of an appropriation made to the
19 agency, that limitation or reduction applies in lieu of the
20 limitation on expenditures for information technology otherwise
21 applicable under this provision. In addition, authorization
22 of out-of-state travel paid for in whole or in part from the
23 general fund of the state for the remainder of fiscal year
24 2010-2011 is prohibited, unless a waiver is approved by the
25 executive council.

26 The revenue estimating conference is required to meet in
27 February or March 2011 upon request of the speaker of the house
28 or senate majority leader. In addition, to regularly issued
29 estimates, the conference is required to provide estimates for
30 fiscal year 2012-2013.

31 Code section 7E.3, relating to the powers and duties of the
32 heads of state departments and independent agencies, is amended
33 to include a duty to ensure the public benefits administered
34 by the department or agency are not provided to adults who are
35 unauthorized aliens not lawfully present in the United States.

1 New Code section 8A.440 requires state employees included
2 in or not covered by collective bargaining as provided in Code
3 chapter 20 to pay at least \$50 per month of the total premium
4 for state group health insurance for single persons. The
5 requirement applies to state employees covered by collective
6 bargaining agreements entered into on or after the effective
7 date of the division. Current law does not specify a minimum
8 required premium payment.

9 Code section 68B.8 is amended to prohibit a state agency
10 of the executive branch of state government from employing a
11 person whose position with the agency is primarily representing
12 the agency relative to the passage, defeat, approval, or
13 modification of legislation that is being considered by the
14 general assembly. A person who knowingly and intentionally
15 violates this new provision as provided under Code section
16 68B.34 is guilty of a serious misdemeanor and may be
17 reprimanded, suspended, or dismissed from the person's position
18 or otherwise sanctioned. A serious misdemeanor is punishable
19 by confinement for not more than one year and a fine of at least
20 \$315 but not more than \$1,875.

21 The division takes effect upon enactment.

22 ADMINISTRATION AND REGULATION. This division includes
23 provisions applicable to administration and regulatory state
24 agencies.

25 The joint appropriations subcommittee on administration and
26 regulation is required to submit by April 4, 2010, proposed
27 legislation to the committees on appropriations providing
28 for eliminating and selling the pool of general use vehicles
29 maintained in Polk county and outsourcing state vehicle leasing
30 to a private entity. Until the close of fiscal year, the
31 department of administrative services is designated as the sole
32 department to operate the vehicle pool and is prohibited from
33 purchasing new passenger vehicles for the pool.

34 The division includes a requirement for the department
35 of administrative services to locate state employees in

1 office space in the most cost-efficient manner possible. The
2 department is prohibited from paying penalties for the early
3 termination of a lease for office space outside of the capitol
4 complex.

5 The bill requires the Iowa telecommunications and technology
6 commission to implement a request for proposals process to sell
7 or lease the Iowa communications network. The bill requires
8 the sale to be concluded or the lease to commence during the
9 fiscal year beginning July 1, 2011.

10 The department's technology service purchasing for the
11 remainder of fiscal year 2010-2011 is limited to 50 percent of
12 the unexpended amount remaining as of the division's effective
13 date.

14 The department of management is directed to designate the
15 department of administrative services as the sole provider for
16 information technology services for purposes of providing such
17 services to agencies and other governmental entities, with
18 certain specified exceptions.

19 The appropriation made to the Iowa ethics and campaign
20 disclosure board in 2010 Iowa Acts, chapter 1189, section 7,
21 for fiscal year 2010-2011, is reduced.

22 AGRICULTURE AND NATURAL RESOURCES. This division addresses
23 agriculture and natural resources.

24 The department of natural resources is prohibited from
25 entering into any new arrangement to acquire or control new
26 property, as defined by the bill, for the period from the
27 provision's effective date through the close of fiscal year
28 2010-2011. The provision takes effect upon enactment.

29 ECONOMIC DEVELOPMENT. This division addresses economic
30 development.

31 The division requires the department of cultural affairs to,
32 within six months of the effective date of this Code section,
33 find new storage space for the storage of state records.

34 The save our small business fund and program in Code sections
35 15.300 and 15.301 are repealed and moneys appropriated to the

1 fund are eliminated. However, following the repeal, loans
2 awarded from the fund prior to the repeal are continued as
3 provided by the terms of the loans.

4 A limitation is applied to the moneys expended by the
5 department of cultural affairs for purposes of the great
6 places program. The limitation is equal to any unexpended or
7 unencumbered amount on the effective date of the division.

8 The division repeals Code section 15.421, which relates to
9 the generation Iowa commission.

10 2010 Iowa Acts, chapter 1186, is amended to require the
11 department of transportation, after July 1, 2011, to not renew
12 membership in North America's supercorridor coalition.

13 The division takes effect upon enactment.

14 EDUCATION. This division addresses education.

15 An appropriation made to the department of education in 2010
16 Iowa Acts, chapter 1183, is amended to reduce the amount for
17 general administration.

18 The funding for implementation of the statewide core
19 curriculum for schools and for the career information and
20 decision-making system are eliminated and legislative intent is
21 stated for amending the law relating to the curriculum.

22 For the period beginning on the effective date of this
23 section through the close of FY 2010-2011, library acquisition
24 and information technology expenditures are limited at all
25 libraries at the university of Iowa, Iowa state university of
26 science and technology, and the university of northern Iowa.
27 The limitation is equal to 50 percent of the unexpended or
28 unencumbered amount that the universities under state board
29 of regents have budgeted or otherwise designated for purposes
30 of such acquisitions from the appropriations made to the
31 universities from all sources, as of the effective date of this
32 division. The division states that appropriations made to the
33 universities from the general fund of the state in 2010 Iowa
34 Acts, chapter 1183, are amended in this bill to reflect the
35 expenditure limitation.

1 A similar library acquisition limitation is applied to the
2 state library under the department of education.

3 For the period beginning on enactment and ending June 30,
4 2012, the state board of regents is prohibited from approving
5 paid leaves of absence, also known as professional development
6 assignments sabbaticals, for any faculty member.

7 The statewide voluntary preschool program in Code chapter
8 256C is repealed effective July 1, 2011, along with the
9 associated school aid funding provisions. A statement of
10 legislative intent calls for filling the needs addressed by the
11 program through expansion of the preschool tuition assistance
12 program provided through the school ready children grant
13 program administered under the early childhood Iowa initiative.
14 The bill makes conforming amendments.

15 The standing committees on education of the senate and house
16 of representatives are required to recommend legislation to
17 be effective July 1, 2011, revising the tuition grant program
18 provisions administered by the college student aid commission
19 under chapter 261 so that the annual grant amount awarded
20 under the program is determined after the other aid available
21 to the student has been determined. The committees are also
22 required to consider providing need-based tuition grants based
23 upon a sliding scale that provides greater amounts for those
24 with lower incomes and lesser amounts for those with greater
25 incomes.

26 The joint appropriations subcommittee on education
27 is required to consider the recommended legislation in
28 recommending an amount to appropriate for tuition grants for
29 fiscal year 2011-2012. The joint subcommittee is also required
30 to implement provisions to consolidate administrative functions
31 at the state board of regents and the institutions under the
32 board in order to reduce the amount that would otherwise
33 be budgeted for administrative functions for fiscal year
34 2011-2012.

35 Code section 257.35 is amended to reduce area education

1 agencies budgets for fiscal year 2010-2011 and subsequent
2 fiscal years by \$10 million.

3 The division takes effect upon enactment except as otherwise
4 provided.

5 HEALTH AND HUMAN SERVICES. This division addresses health
6 and human services programs.

7 Code section 217.6, relating to rules and regulations of
8 the department of human services, is amended to require those
9 adopted for the public benefits administered by the department
10 to apply the residency eligibility restrictions required by
11 federal and state law.

12 The department on aging is required to submit a plan by
13 February 25, 2011, to various legislative committees to reduce
14 the number of area agencies on aging to not more than five
15 effective July 1, 2011.

16 The joint appropriations subcommittee on health and human
17 services is directed to develop and include in appropriations
18 legislation a new reimbursement methodology for juvenile
19 shelter care providers for use beginning July 1, 2011. The new
20 reimbursement methodology is required to end the practice of
21 providing reimbursement for unused shelter care beds.

22 The appropriation made in 2009 Iowa Acts, chapter 183, for
23 the costs of the legislative health care coverage commission
24 is reduced.

25 Appropriations and allocations made to the department of
26 public health in 2010 Iowa Acts, chapter 1192, for addictive
27 disorders, community capacity, healthy aging, and public
28 protection, are reduced. The department is specifically
29 required to cancel smoking cessation and prevention efforts,
30 including the initiative just eliminate lies and other
31 youth programs and the quitline Iowa initiative. The joint
32 appropriations subcommittee on health and human services is
33 required to consult with the standing committees on human
34 resources to recommend legislation to revise the youth programs
35 effective July 1, 2011, in order to eliminate unnecessary and

1 wasteful expenditures.

2 Family planning waiver provisions under the Medicaid program
3 are revised in 2010 Iowa Acts, chapter 1192, section 11, to
4 reduce income eligibility from the current 200 percent to
5 133 percent of the federal poverty level, as soon as federal
6 approval can be obtained.

7 The division takes effect upon enactment.

8 INFRASTRUCTURE AND TRANSPORTATION. This division includes
9 provisions involving infrastructure and transportation
10 appropriations.

11 The section addressing the living roadway trust fund
12 limits moneys expended by the department of transportation
13 for purposes of the integrated roadside vegetation management
14 coordinator and support. The limit is equal to any unexpended
15 or unencumbered amount remaining on the effective date of the
16 division.

17 2010 Iowa Acts, chapter 1184, eliminates an appropriation
18 from the rebuild Iowa infrastructure fund to the department of
19 natural resources for FY 2010-2011 for purposes of an asset
20 manager at Honey creek resort state park.

21 Code chapter 18B, relating to land use smart planning, is
22 repealed. The division also eliminates the Iowa smart planning
23 task force. Any award to a city or county that applies smart
24 planning principles and guidelines pursuant to Code sections
25 18B.1 and 18B.23, Code 2011, granted from moneys appropriated
26 to the Iowa jobs board for a disaster prevention program
27 that provides grants to cities and counties applying smart
28 planning principles and guidelines, for which a contract has
29 not been entered into by the effective date of the division, is
30 rescinded. Additional such awards cannot be granted after the
31 effective date of the division.

32 An appropriation for purposes of a free shuttle service in
33 Des Moines is reduced.

34 Three appropriations related to passenger rail service made
35 in 2009 Iowa Acts, chapter 184 and 2010 Iowa Acts, chapter

1 1184, along with a statement of legislative intent to provide
2 funding of up to \$20 million over a four-year period to match
3 federal funds, are eliminated or reduced.

4 An appropriation is eliminated that was made in 2008 Iowa
5 Acts, chapter 1179, for fiscal year 2008-2009 from the rebuild
6 Iowa infrastructure fund to the department of transportation
7 for purposes of a depot and platform to accommodate future
8 Amtrak service from Dubuque to Chicago.

9 The division takes effect upon enactment.

10 JUSTICE SYSTEM. This division addresses the justice system
11 and provides a fiscal year 2010-2011 supplemental appropriation
12 for the state public defender for indigent defense.

13 The appropriation made to the judicial branch in 2010 Iowa
14 Acts, chapter 1185, is amended to require the judicial branch
15 to transfer money from the appropriation to the state public
16 defender for deposit into the indigent defense fund when an
17 attorney fee claim exceeds the fee limitations established in
18 Code section 13B.4 if the case is not unusually complicated as
19 defined under 493 IAC 12.5(4). After the immediate effective
20 date of this amendment, in each case where the state public
21 defender approves or the court orders an attorney fee claim in
22 excess of the fee limitations and the case is not unusually
23 complicated, the judicial branch is required to transfer an
24 amount equal to the portion of the fee claim in excess of the
25 fee limitations to the jury and witness fee fund established in
26 Code section 602.1302 for transfer to the state public defender
27 and eventual deposit into the indigent defense fund. The
28 transfers in this division are in response to *Simmons v. State*
29 *Public Defender*, No. 07-0870 (Iowa 2010).

30 The judiciary committees of the senate and house of
31 representatives are required to recommend legislation to be
32 effective July 1, 2011, providing for a single chief juvenile
33 court officer position for the state instead of a chief
34 officer for each judicial district. The joint appropriations
35 subcommittee on justice system is required to consider

1 the recommended legislation in recommending an amount to
2 appropriate for the judicial branch for fiscal year 2011-2012.

3 This division takes effect upon enactment.

4 POWER FUND. This division addresses the power fund and the
5 office of energy independence.

6 Code chapter 469 is repealed, which provides for the
7 establishment and administration of the office of energy
8 independence, the Iowa power fund, and related renewable energy
9 and energy efficiency projects.

10 The division provides that the department of natural
11 resources shall assume the duties of the office of energy
12 independence until otherwise determined by the general
13 assembly. During the 2011 Legislative Session of the
14 Eighty-fourth General Assembly, the joint appropriations
15 subcommittee on agriculture and natural resources shall include
16 Code provisions relating to the transfer of departmental
17 authority from the office of energy independence to another
18 state entity in a proposed committee on appropriations bill.

19 Transition provisions are included regarding the transfer of
20 moneys retained in any account or fund under the control of the
21 office of energy independence on the division's effective date,
22 the continuation of any license, permit, or contract issued
23 or entered into by the office in effect on the division's
24 effective date, and the continuation of grants or loans awarded
25 from the Iowa power fund prior to the division's effective
26 date. Transition provisions are also included relating to the
27 transfer of federal funds being utilized by the director of
28 the office prior to the division's effective date to employ
29 personnel necessary to administer the provisions of the
30 division to the department or other state agency as determined
31 by the general assembly.

32 The division takes effect upon enactment.

33 REBUILD IOWA OFFICE. This division addresses the rebuild
34 Iowa office.

35 Currently, the rebuild Iowa office is scheduled to be

1 repealed on June 30, 2011. This division changes the repeal
2 date to be effective upon enactment and makes conforming
3 amendments. All duties of the office are transferred to the
4 homeland security and emergency management division of the
5 department of public defense.

6 This division takes effect upon enactment.

7 GROW IOWA VALUES FUND AND PROGRAM. This division addresses
8 the grow Iowa values fund.

9 This division repeals Code sections related to the grow
10 Iowa values fund and financial assistance program and makes
11 conforming amendments. The division amends two 2010 Iowa Acts
12 provisions to prohibit the department of economic development
13 from further obligating any moneys appropriated for purposes
14 of the grow Iowa values fund for fiscal year 2010-2011 and
15 requires that unobligated and unencumbered moneys shall revert
16 to the rebuild Iowa infrastructure fund, which take effect upon
17 enactment.

18 COUNTY MENTAL HEALTH AND DISABILITY SERVICES. This division
19 relates to the county administered system for adult mental
20 health, mental retardation, and developmental disabilities
21 services.

22 An appropriation is made from the general fund of the state
23 to the risk pool for such county services to be used for the
24 period beginning on the effective date of the division through
25 June 30, 2012, to pay for the service costs of eligible persons
26 who are on a county waiting list for the services.

27 Legislative purpose and findings are stated in a section
28 addressing reform of the county administered system. The
29 standing committees on human resources, appropriations, and
30 ways and means of the senate and house of representatives are
31 directed to propose legislation necessary to implement various
32 actions by dates specified in the section and to address the
33 Code repeals contained in the division.

34 The following Code provisions are repealed on July 1, 2012:
35 section 331.424A, establishing county mental health, mental

1 retardation, and developmental disabilities services funds and
2 authorizing levies for the funds; section 331.438, outlining
3 requirements for county mental health, mental retardation, and
4 developmental disabilities services expenditures and joint
5 state-county planning, implementing, and funding; section
6 331.439, requiring county management plans and other provisions
7 regarding county eligibility for state property tax relief and
8 allowed growth funding; section 331.440, providing for creation
9 of the county central point of coordination process and county
10 management of state case services; and chapter 426B, relating
11 to property tax relief funding for the county administered
12 services, risk pool funding, and related provisions.

13 The legislative services agency is directed to prepare
14 legislation to conform other Code provisions to the repeals
15 contained in the division.

16 The division takes effect upon enactment.